

**OFFICIAL****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Peter A. Quigley et al.

Serial No.: 10/051,624

Filed: January 18, 2002

For: Composite Spoolable Tube with  
Sensor**FAX RECEIVED**

Art Unit: 1771

JUL 03 2003

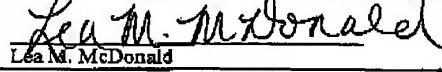
Examiner: E. Cole

**TC 1700**

Atty. Docket: FPY-048.03 (22823-4803)

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile (703) 872-9510, Attn: Examiner Elizabeth M. Cole, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: July 2, 2003.

  
Lea M. McDonald

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE**

Sir:

In response to the Office Action dated April 4, 2003, Applicant submits the following remarks. Claims 47-97 are pending in the application.

***Double Patenting Rejection of Claims 47-97***

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over at least claim 1 of U.S. Patent No. 6,016,845.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,148,866.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

20/554119.1

Received from &lt;617 832 7000&gt; at 7/2/03 3:36:17 PM [Eastern Daylight Time]

FPY-048.03  
Art Unit 1771

The Office Action rejected claims 47-97 under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-38 of U.S. Patent No. 6,286,558.

Applicant submits a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate this rejection.

*Conclusion*

In view of the arguments set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (617) 832-1197.

Respectfully submitted,

FOLEY HOAG, LLP



David A. Lane, Jr.,  
Registration No. 39,261  
Attorney for Applicants

Date: July 2, 2003

Customer Number 25181  
Patent Group  
Foley Hoag  
155 Seaport Boulevard  
Boston, MA 02210  
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Fax: (617) 832-7000



**FOLEY  
HOAG LLP**  
ATTORNEYS AT LAW

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**JUL 03 2003**

**TC 1700**

**Fax**

**Date:** July 2, 2003

<b>To:</b> Examiner Elizabeth Cole	<b>Fax #:</b> (703) 872-9310	<b>Confirm#:</b> (703) 308-2414
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**Client Matter#:** 22823-4803

<b>From:</b> David A. Lane, Jr.	<b>Sender's Number:</b> 1197	<b>User #:</b>
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<b>Total Pages Sent (Including Cover Sheet):</b> 8	<b>Office:</b> Boston
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**Message**

Transmitted herewith in connection with U.S.S.N. 10/051,624 are the following documents:

Transmittal Form (1 pg);  
 Fee Transmittal Form (1 pg);  
 Response (2 pgs);  
 Terminal Disclaimer re: Pat. No. 6,016,845 (1 pg);  
 Terminal Disclaimer re: Pat. No. 6,148,866 (1 pg);  
 Terminal Disclaimer re: Pat. No. 6,286,558 (1 pg); and  
 this cover sheet.

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**  
*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number

10/051,624

Filing Date

January 18, 2002

First Named Inventor

Peter A. Quigley

**FAX RECEIVED**

Group Art Unit

1771

Examiner Name

E. Cole

JUL 03 2003

Attorney Docket Number

FPY-048.03 (22823-4803)

TG 1700

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Assignment Papers  
(for an Application) After Allowance Communication to Group Fee Attached Drawing(s) Appeal Communication to Board of Appeals and Interferences Amendment / Response Licensing-related Papers Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief) After Final Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition Proprietary Information Extension of Time Request Petition to Convert to a  
Provisional Application Status Letter Express Abandonment Request Power of Attorney, Change of  
Correspondence Address Other Enclosure(s)  
(please identify below): Information Disclosure Statement Terminal Disclaimer - Terminal Disclaimer re: Pat. No.  
6,016,845 Certified Copy of Priority  
Document(s) Request for Refund - Terminal Disclaimer re: Pat. No.  
6,148,866 Response to Missing Parts/  
Incomplete Application. CD, Number of CD(s) \_\_\_\_\_ - Terminal Disclaimer re: Pat. No.  
6,286,558 Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

Remarks

Customer No 25181

 - Fax Cover Sheet

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

David A. Lane, Jr., Reg. No. 39,261

Signature

Date

July 2, 2003

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to: Examiner Elizabeth Cole, U.S. Patent and Trademark Office at (703) 872-9310.

Typed or printed name

Lea M. McDonald

Signature

Date

July 2, 2003

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PTO/SB/17 (10-01)

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) \$330.00

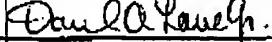
Complete if Known	
Application Number	10/051,624
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Examiner Name	E. Cole
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JUL 03 2003

TC 1700

METHOD OF PAYMENT (check one)					FEE CALCULATION (continued)																																																																																																																																																																												
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number <input type="text" value="06-1448, Ref. FPY-048.03"/></p> <p>Deposit Account Name <input type="text" value="Foley Hoag"/></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>					<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th colspan="3"></th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr> <tr><td>147</td><td>2,620</td><td>147</td><td>2,820</td><td>For filing a request for reexamination</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr> <tr><td>116</td><td>400</td><td>216</td><td>200</td><td>Extension for reply within second month</td></tr> <tr><td>117</td><td>920</td><td>217</td><td>460</td><td>Extension for reply within third month</td></tr> <tr><td>118</td><td>1,440</td><td>218</td><td>720</td><td>Extension for reply within fourth month</td></tr> <tr><td>128</td><td>1,960</td><td>228</td><td>980</td><td>Extension for reply within fifth month</td></tr> <tr><td>119</td><td>320</td><td>219</td><td>150</td><td>Notice of Appeal</td></tr> <tr><td>120</td><td>320</td><td>220</td><td>180</td><td>Filing a brief in support of an appeal</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>140</td><td>Request for oral hearing</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to Institute a public use proceeding</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr> <tr><td>141</td><td>1,280</td><td>241</td><td>640</td><td>Petition to revive - unintentional</td></tr> <tr><td>142</td><td>1,280</td><td>242</td><td>640</td><td>Utility issue fee (or reissue)</td></tr> <tr><td>143</td><td>450</td><td>243</td><td>230</td><td>Design issue fee</td></tr> <tr><td>144</td><td>620</td><td>244</td><td>310</td><td>Plant issue fee</td></tr> <tr><td>122</td><td>150</td><td>122</td><td>120</td><td>Petitions to the Commission</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17 (q)</td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td></tr> <tr><td>581</td><td>10</td><td>681</td><td>40</td><td>Recording each patent assignment per property (list number of properties)</td></tr> <tr><td>146</td><td>740</td><td>245</td><td>370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr> <tr><td>149</td><td>740</td><td>249</td><td>370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr> <tr><td>179</td><td>740</td><td>278</td><td>370</td><td>Request for Continued Examination (RCE)</td></tr> <tr><td>169</td><td>800</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr> <tr> <td colspan="5" style="text-align: right;">Other fee (specify) Three Terminal Disclaimers</td> <td style="text-align: right;">330</td> </tr> <tr> <td colspan="5" style="text-align: right;">*Reduced by Basic Filing Fee Paid</td> <td style="text-align: right;">SUBTOTAL (\$ )</td> </tr> <tr> <td colspan="5" style="text-align: right;">(\$ ) 330</td> <td></td> </tr> </tbody> </table>					Large Entity	Small Entity				Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - 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SUBMITTED BY			Complete if applicable		
Name (Print/Type)	David A. Lane, Jr.	Registration No. Attorney/Agent)	29,281	Telephone	617-832-1197
Signature				Date	July 2, 2003

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